



**Commission Meeting of December 17, 2014
Brookhaven Town Hall**

Present: Mr. Peter Scully (New York State), Ms. Sarah Lansdale (Suffolk County),
Mr. Edward Romaine (Brookhaven), Mr. Daniel McCormick (Riverhead),
Mr. Kyle Collins (Southampton)

Approved

Resolution on the Compatible Growth Area Hardship Application of
Riverhead Central School District
Property located at 337 Edwards Avenue, Calverton, Town of Riverhead
Suffolk County Tax Map Number: 600-117-1-8.3

Peter A. Scully
Chair

Steven Bellone
Member

Edward P. Romaine
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Whereas, on November 19, 2014, the Board of Education of the Riverhead Central School District (the Applicant), by its consultant VHB, submitted a Compatible Growth Area (“CGA”) Hardship Waiver Hardship application to the Central Pine Barrens Commission (the “Commission”) to acquire the 6.792-acre parcel identified as Suffolk County Tax Map Number 600-117-1-8.3 (the “Project Site”), located at 337 Edwards Avenue, Calverton, and to construct a 2,600 square foot addition to the existing 7,200 square foot building on the Project Site to convert the use to a bus storage and fueling facility (the “Project”); and

Whereas, the Commission finds the Project is development under the Commission’s jurisdiction, pursuant to Environmental Conservation Law (ECL) Article 57, the Long Island Pine Barrens Protection Act (the “Act”), requiring the Project to comply with the CLUP; and

Whereas, the Project does not conform to the Central Pine Barrens Comprehensive Land Use Plan (the “CLUP”) Standard 5.3.3.6.1, Vegetation Clearance Limits, which permits clearing 4.4 acres or 65% on the Project Site; and

Whereas, the Project Site is presently cleared and/or developed to a limit of 3.8 acres or 56%, and the Project involves clearing 1.3 acres or 19% in excess of the standard, resulting in a total clearing limit of 5.7 acres or 84% of the Project Site; and

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Westhampton Beach, NY
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Whereas, the Applicant applied to the Commission for a waiver from the CLUP Vegetation Clearance Limits standard; and

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Whereas, the Commission held a public hearing on the Project on December 17, 2014, and

Whereas, a staff report was prepared on the Project and distributed to the Commission; and a transcript of the hearing was prepared; and

Whereas, the Project is classified as an Unlisted Action pursuant to New

York State Environmental Conservation Law (ECL) Article 8 (State Environmental Quality Review Act (SEQRA) and its implementing regulations 6 NYCRR Part 617; and

Whereas, on February 20, 2014, the Commission received a Lead Agency Coordination letter and materials from the Applicant; and by letter dated February 20, 2014, the Commission informed the Applicant that it did not object to the Board assuming Lead Agency status for the Project; and

Whereas, the Applicant supplied the Commission a letter from the New York State Office of Parks, Recreation, and Historic Preservation dated April 3, 2014 stating the Project would have no impact on cultural resources in or eligible for inclusion in the State and National Register of Historic Places; and

Whereas, on November 19, 2014, the Applicant submitted to the Commission an analysis of the hardship criteria contained in ECL §57-0121 in support of its Waiver application; and

Whereas, on December 9, 2014, the Applicant declared itself Lead Agency and adopted a Negative Declaration for the Project; and

Whereas, pursuant to ECL Article 57, in determining whether to grant a CGA hardship waiver for the Project, the Commission shall consider, among other things, the criteria set forth in New York State Town Law §267-b(2) and determine whether the Project is consistent with the purposes and provisions of the Act and whether the Project will result in a substantial impairment of the resources of the Central Pine Barrens area; and

Whereas, in considering the criteria set forth in Town Law §267-b2(b)(2), the Commission finds that the hardship, as it relates to the Project Site, is unique due to existing conditions; and

Whereas, in considering the second waiver criteria, the Commission finds that the hardship, as it relates to the Project Site, is unique because the Project Site is an existing truck terminal and the Project is not a circumstance that applies to a substantial portion of the neighborhood surrounding the Project Site; and

Whereas, in considering the criteria set forth in Town Law §267-b2(b)(3), the Project Site is adjacent to and in an area characterized by developed uses including commercial land uses such as a bus terminal and golf course and farmland; and

Whereas, in considering the third waiver criteria, the Project does not propose a land use that is inconsistent with the existing neighborhood and community character; the Project is a similar type of land use consistent with the site's existing use as a vehicle maintenance and storage facility for a trucking company; and the proposed site modifications are consistent with the history of development on site and pattern of development surrounding the Project Site; therefore, the Commission finds that the Project will not alter the essential character of the neighborhood; and

Whereas, pursuant to Town Law §267-b2(b)(4), the Commission finds that the hardship is not self-created since the Project Site to be acquired is presently developed with a land use in a manner consistent with the proposed land use of a bus facility; and

Whereas, in considering the fourth waiver criteria that the alleged hardship is not self created because the site was selected due to its existing use, condition, and development; and

Whereas, the Commission finds that the Project will retain 16% of the Project Site's vegetation that will serve to buffer the Project from adjacent properties; and

Whereas, installation of trees on the central eastern boundary of the Project Site will screen the Project from Edwards Avenue; and

Whereas, the Applicant will obtain any and all applicable permits to conform to other Standards of the CLUP including Article 6 of the Suffolk County Sanitary Code for wastewater generated on site and Articles 7 and 12 of the Suffolk County Sanitary Code pertaining to compliance with existing regulations to store fuel on the Project Site; and

Whereas, the Project accommodates development that is compact, efficient, and orderly as it retains and adaptively reuses commercial/industrial development in its existing location, instead of an undeveloped site, while providing a compact expansion and land use consistent with existing development and current operations; and

Whereas, no preserved land adjoins the Project Site for open space connections; and the Applicant did not document any rare, threatened, or endangered species on the Project Site; and

Whereas, the Commission finds the Project is consistent with ECL Article 57 because it has been designed for compact, efficient and orderly development by utilizing an existing land use in a developed area for a similar-type facility, to minimize clearing, alteration, and disturbance to natural ecological communities, and to protect the quality of surface water and groundwater resources through expected conformance to existing regulations for fuel storage on the Project Site; and

Whereas, the Project will comply with all other Standards of the CLUP; and

Whereas, the Commission has considered all of the materials submitted in connection with the application including the transcript of the public hearing, now, therefore, be it,

Resolved, that the above recitals are incorporated herein and made a part hereof; and be it further

Resolved, that pursuant to SEQRA, a Negative Declaration was adopted by the Lead Agency on December 9, 2014 for the Project; and be it further

Resolved, that the Project is consistent with the goals and objectives of ECL Article 57 to protect groundwater resources and quality and accommodate development consistent with the long term integrity of the Pine Barrens ecosystem and to ensure the pattern of development is compact, efficient, and orderly, and be it further

Resolved, the Project is unique as a similar land use has existed in its present location since 1995; and the Project will conform to all Standards of the CLUP including Suffolk County Department of Health Services (SCDHS) sanitary system requirements and fuel storage regulations; and

Resolved, an estimated 16% of the site will remain in its natural condition and be protected through the installation of a split rail fence along the clearing limit to avoid future disturbance; and

Resolved, the Project improvements will minimize disturbance to existing natural vegetation to the greatest extent practicable, while still allowing for the Project to proceed; and be it further

Resolved, the granting of this hardship exemption is consistent with the purposes and provisions of ECL Article 57 and will not result in a substantial impairment of the resources of the Central Pine Barrens because the proposed expansion will occur on property which was already previously disturbed, the proposed expansion area will be constructed in an efficient pattern consistent with maintenance of the long term integrity of the Central Pine Barrens; and be it further

Resolved, that the Commission hereby determines the Project meets and satisfies the criteria for a Compatible Growth Area Hardship Waiver pursuant to the Act; that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; that a similar existing facility has been established on the Project Site since 1995, for the reasons as discussed above; and be it further

Resolved, that the Commission hereby determines the Application meets and satisfies the criteria for a Compatible Growth Area Hardship pursuant to the Act; that the requested use variance, if granted, will not alter the essential character of the neighborhood, and is consistent with the community character of immediate area, the hamlet in which the Project Site is located, and be it further

Resolved, the Commission hereby determines that the Application meets and satisfies the criteria for a CGA Hardship pursuant to the Act, that the alleged hardship has not been self-created because the site contains a facility similar to the proposed use; and be it further

Resolved, that the Application is approved in accordance with the Site Plan prepared by BBS Architects dated December 13, 2013 received on November 19, 2014, subject to the following specific conditions:

1. The Applicant shall obtain additional permits and approvals, as required by law, prior to commencement of the Project. The Applicant must forward copies of such approvals including, but not limited to the Suffolk County Department of Health permits and approvals, and any other applicable permits to the Commission Office two weeks prior to commencement of site work.
2. Install a split rail fence along the development boundary to protect the 16% of the site to remain in its current state.
3. Install native trees along the central eastern boundary of the site to screen Project from Edwards Avenue. Complete during construction, and notify the Commission for an inspection. Monitor plantings and ensure survival for a minimum of three years.

Resolved, this approval shall expire five (5) years from the date of adoption by the Commission, and be it further

Resolved, a copy of this resolution shall be filed with the Suffolk County Clerk indexed against the property.

Motion on Project Approval

Made by: Mr. Romaine

Seconded by: Mr. McCormick

Vote:

Yes: 4

No: 0

Opposed: 0

Abstain: 1 (Mr. Collins)